

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
PAULINE M. RUSSELL,

Plaintiff,

--against

TARGET CORPORATION,

Defendant.
-----X

DOCKET NO.:

NOTICE OF REMOVAL

**Supreme Court, Kings
County**

Index No.:
527494/2021

**TO THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF NEW YORK:**

Defendant, TARGET CORPORATION ("Target"), by its attorneys,
SIMMONS JANNACE DELUCA, LLP, upon information and belief,
respectfully petitions the Court, pursuant to 28 U.S.C. § 1441,
as follows:

1. On or about September 3, 2020, the above-captioned
civil action was commenced and is now pending in the Supreme
Court of the State of New York, County of Kings, bearing index
number 527494/2021. A trial has not yet been had therein. A
copy of the Summons and Verified Complaint is annexed hereto as
Exhibit "A." Target interposed its answer on or about November
16, 2021. A copy of Target's answer is annexed hereto as
Exhibit "B."

2. The action seeks monetary damages for personal
injuries allegedly suffered by plaintiff, Pauline M. Russell on
September 3, 2020 outside a Target store, located at 500 Sunrise
Highway, Valley Stream, New York. The plaintiff's Verified

Complaint sounds in negligence.

3. This action involves a controversy between citizens of different states, in that: (a) plaintiff is a citizen of the State of New York; and (b) defendant, Target Corporation is now, and was at the time the action was commenced, incorporated pursuant to the laws of the State of Minnesota with their principal places of business in Minnesota.

4. Accordingly, there is complete diversity between defendant and plaintiff and this action is one of which the District Courts of the United States have original jurisdiction under 28 U.S.C. § 1332.

5. In addition, the amount in controversy requirement is satisfied as defendant received on March 1, 2022, plaintiff's Verified Bill of Particulars, wherein, plaintiff claimed \$600,000 in special damages, including \$500,000 in future costs. A copy of plaintiff's Verified Bill of Particulars is annexed hereto as **Exhibit "C."**

6. This notice of removal is being filed within 30 days of receipt of plaintiff's demand for damages in excess of \$75,000.

7. Written notice of the filing of this Notice of Removal will be given to plaintiff promptly after the filing of this Notice. A true and correct copy of this Notice of Removal will be filed with the Clerk of the Court of the Supreme Court of the

State of New York, County of Kings promptly after the filing of this Notice.

8. Attached to this Notice, and by reference made a part hereof, are true and correct copies of all process and pleadings filed herein.

9. By filing this notice of removal, Target does not waive any defense which may be available to it, specifically including, but not limited to, its right to contest in personam jurisdiction, improper service of process and the absence of venue in this Court or the Court from which this action has been removed.

WHEREFORE, defendant prays that the above-captioned action now pending in the Supreme Court in the State of New York, County of Suffolk, be removed therefrom to this Court.

Dated: Hauppauge, New York
March 17, 2022

SIMMONS JANNACE DELUCA, LLP

BY: 

Ian E. Hannon

Attorneys for Defendant
TARGET CORPORATION

Office & P.O. Address:

43 Corporate Drive
Hauppauge, New York 11788
(631) 873-4888

TO: Ross Raggio, ESQ.
HECHT, KLEEGER & DAMASHEK, P.C
Attorneys for Plaintiff
19 West 44th Street
Suite 1500
New York, New York 10036
(212) 490-5700